

U.S. Patent Application Serial No. 09/973,602
Applicant: Chocklett

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REMARKS

This Amendment, submitted in response to the Office Action mailed on April 1, 2003, is believed to be fully responsive to the Examiner's Office Action. Applicant wishes to thank the Examiner for the careful consideration given the application. Review and consideration is respectfully requested in view of the above amendments and the following remarks.

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Applicant asserts that the Examiner has failed to make a prima facie case of non-enablement because he has not shown that one of ordinary skill in the art of the present invention could not use or make the present invention. The enablement requirement does not require the Applicant to disclose the invention in a manner that can be understood by a novice. For an application to be enabling, it must explain how to make and use the invention to one of ordinary skill in the art, rather than to a novice. Applicant asserts that the disclosure is in fact enabling to one of ordinary skill in the art because the foil utilized in the present invention is known to those with ordinary skill in the art or that one with ordinary skill in the art can determine without undue experimentation what the foil is to be made of. Applicant also points out that the first paragraph of the original detailed description expressly states twice that the foil may be metallic. Moreover, in the same paragraph of the original detailed description, the Applicant provides the names of two companies where the foil may be purchased from. Therefore, Applicant requests reconsideration of the non-enablement rejection based upon original disclosure and the present remarks.

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In regard to the 35 U.S.C. 112, second paragraph, rejection, Applicant amends Claim 10 to include the Examiner's recommended language as included in the original specification. Reconsideration is respectfully requested.

Applicant notes the Examiner has indicated that the cited art does not teach or suggest the subject matter of Claim 11. Therefore, as seen in the amendments above, Applicant has included the limitations of canceled Claim 11 with base Claim 10. Reconsideration of Claim 10 is respectfully requested in view of the cited art.

Applicant also asserts that the remaining pending dependent claims are at least allowable based upon their dependence from an allowable base claim. Reconsideration is respectfully requested.

Based on the forgoing, it is submitted that the claims comply with the Examiner's requirements and the applications is now in condition for allowance. Should any additional fees be incurred, the Commissioner is authorized to Charge Deposit Account No. 20-1507 of Applicant's undersigned attorney in the amount of such fees. Should any



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minor points remain prior to issuance of a Notice of Allowance, the Examiner is
requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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